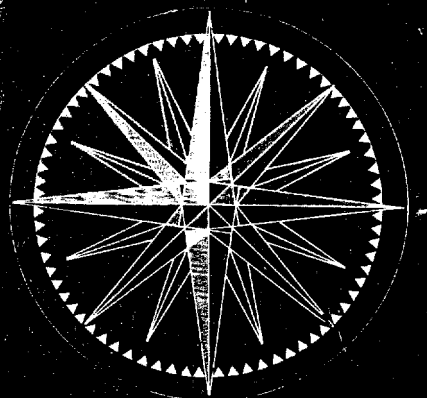


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SPECIAL REPORT

OFFICE OF CURRENT INTELLIGENCE

THE SOUTH-WEST AFRICA ISSUE IN THE UNITED NATIONS

CENTRAL INTELLIGENCE AGENCY

State Dept. review completed

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THE SOUTH-WEST AFRICA ISSUE IN THE UNITED NATIONS

The Republic of South Africa, having refused to accept United Nations authority, continues to administer the adjacent territory of South-West Africa under a League of Nations mandate. The present world organization has made persistent efforts to establish its supervisory rights, and the Asia-Africa bloc now is pressing for UN endorsement of sanctions against the republic. If the International Court of Justice rules in a pending case that the terms of the League mandate are being violated, the question may for the first time go to the Security Council.

The South-West Africa issue is often considered the weakest point in South Africa's international position. Administered by Pretoria since 1920, South-West Africa has been largely integrated into the republic's administrative structure, and the white-supremacist writ of apartheid runs there.

At the same time, South Africa implicitly concedes that the international community has a legitimate if limited interest in the territory's affairs--a concession it has not made in any of its other dealings with outside critics. These critics, tired of years of sterile UN debates on South African questions, are in the midst of a diplomatic and legal campaign which they hope will confront the republic with the threat of effective economic and political sanctions if it fails to change its policies.

Background

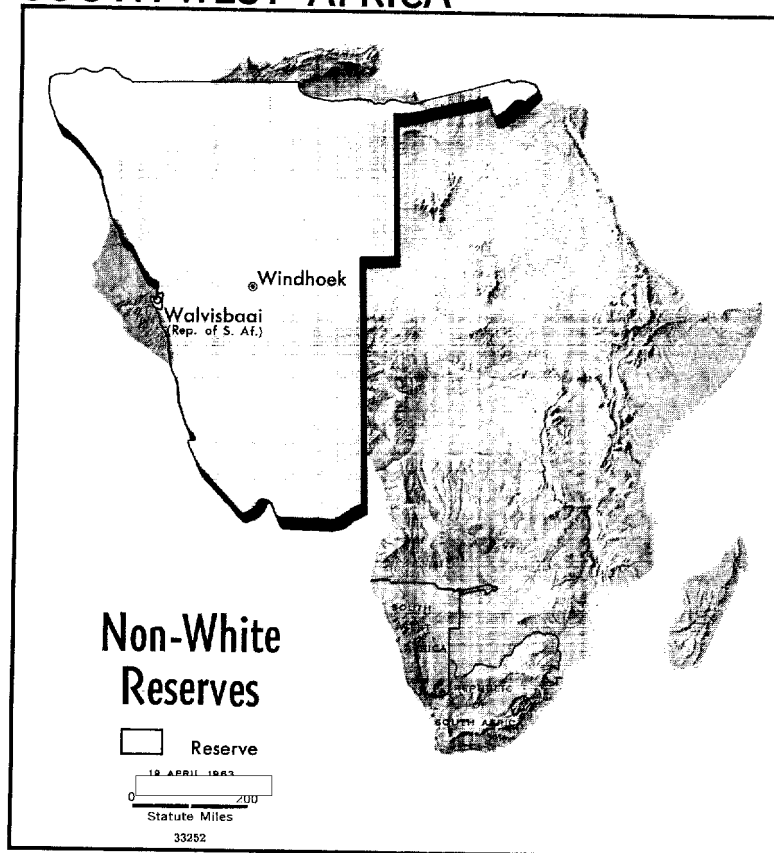
South-West Africa is arid and sparsely populated, with

523,000 people living in an area the size of Colorado, Wyoming, and Arizona combined. Nevertheless, the territory is relatively prosperous; mining, ranching, and fishing have swelled the value of its exports, and the money economy has received many direct and indirect economic benefits from South African authorities. Economic and political life is dominated by the 73,000 whites. Of these 60 percent are Afrikaners, who have close ties with the Republic; another 30 percent are German-descended, and the remaining tenth of English stock. Thus South-West Africa is unique among mandated and trust territories, not only because it is contiguous to the administering nation, but also because its dominant group is related racially and culturally to the dominant group in that nation.

More than half the non-whites live in the north, in tribal reserves which are subordinate to the republic's Department of Bantu Administration rather than to the South-West Africa administration. Almost

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all these Africans are members of the Ovambo group of tribes, which is one of the two politically articulate African groups. The South-West Africa Peoples' Organization (SWAPO), which began as an Ovambo political body, has usually had the largest delegation of petitioners at UN hearings; although subject to government harassment, it apparently maintains its following in Windhoek, the capital, and in the northern areas.

The other articulate African group is the Herero tribe, which has been a thorn in the administration's side even though it constitutes only about 7 percent of the nonwhite population. Herero tribesmen were the principal ones involved in the December 1959 riots in Windhoek, one of the few mass demonstrations ever to occur in the territory and the only one involving loss of life. The South-West Africa National Union (SWANU), a group in competition with SWAPO, was started by a Herero. At present, however, most of the tribe's chiefs are allied with SWAPO, and SWANU appears to have little following inside the territory.

The Dispute With the UN

The basis of the South African and UN positions was established in 1946, when the trusteeship system was being set up. Prime Minister Smuts tried unsuccessfully to persuade the UN to agree to the

incorporation of the territory as a fifth South African province, basing his plea on South-West Africa's unique geographical and cultural situation. Instead, the General Assembly recommended that the League of Nations mandate be converted into a UN trusteeship. The Smuts government rejected this recommendation, but it did state that it would "continue to administer the territory in the spirit of the mandate." Ever since then the UN has been trying to establish its right to supervise the territory's administration and guide it toward independence. South Africa has conceded that it is answerable to international law but not necessarily to any international body.

It was only after the Smuts cabinet was replaced in 1948 by Daniel Malan's Afrikaners that the government claimed that the mandate had lapsed with the demise of the League of Nations and that South Africa was not formally accountable to any international authority for its actions in the territory. In 1950, legislation binding South-West Africa more closely to the South African administrative structure led the UN General Assembly to ask the International Court of Justice (ICJ) for an advisory opinion on the territory's status.

The court ruled that South Africa still had obligations under the League of Nations mandate, although there was no legal requirement to place the

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territory under the UN's trusteeship system. It also said that the UN inherited the league's supervisory responsibilities but that any supervision should follow the procedures of the league as closely as possible rather than the more stringent provisions of the trusteeship system. Finally, the court ruled that South Africa could not unilaterally make any change in South-West Africa's international status.

The South African Government, holding to its contention that the mandate had lapsed, rejected these findings. Successive Afrikaner governments, with their deep respect for legal form, have been reluctant to do anything which blatantly contravenes the ruling; nothing has been heard recently in official circles, for instance, of proposals to turn the territory into a fifth South African province. The republic does, however, refuse to submit to the supervision of the UN, partly on the ground that the preponderance of Afro-Asians in the present world organization makes it impossible for the UN to operate as the league would have done.

South Africa has not furnished substantive information to the UN on the territory since 1949. Since then, feeding on the testimony of SWAPO and SWANU witnesses and on the prejudices of the member nations, the UN's debates have gradually become more extreme--and less in touch with the genuine

shortcomings of the territory's administration. The debates have highlighted an alleged "serious threat to international peace and security" and a supposititious South African troop buildup throughout the territory. The republic is far more vulnerable, however, to the more general charges that social and educational facilities for Africans are almost nonexistent and protection against economic exploitation is inadequate.

Recent Developments

In an effort to disprove the more extreme aspects of international criticism, the Verwoerd Government in May 1962 invited the Filipino chairman and the Mexican vice chairman of the UN's special committee on South-West Africa to tour the territory. The chairman's antics--he agreed to a moderate joint communiqué in Pretoria.

and later repudiated it under Afro-Asian pressure--convinced Prime Minister Verwoerd and his associates that nothing they could do would change the attitude of the UN. The government now seems determined to make no concessions beyond allowing UN technical assistance representatives to visit the territory occasionally. Foreign Minister Louw recently displayed a willingness to use military force if necessary to avoid submitting to UN supervision.

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In this atmosphere of growing intransigence, the ICJ is currently hearing a suit brought by Liberia and Ethiopia. The suit alleges that South Africa, by implementing the apartheid doctrine in the territory, is contravening the mandate's stipulation that the administering authority promote the well-being and development of all the inhabitants.

If the court rules against South Africa, pressure from Afro-Asians for economic and political sanctions will receive a powerful boost. Whereas up to now such pressure has been confined to the General Assembly and its committees, after such a decision the Afro-Asians would probably try to bring the issue before the Security Council. Louw has told the American ambassador that if a sanctions resolution is introduced there, he thinks the US, "as a fellow member of the Western community," should veto it.

Outlook

The court's ruling is expected late this year or early in 1964. The odds appear to favor a finding against South

Africa. The republic has accepted the court's compulsory jurisdiction in cases of this kind, but it presumably would withdraw its acceptance if the court's decision is adverse. There appears to be little chance that the two sides can reach an amicable compromise.

The stationing of a permanent UN technical mission in Windhoek is a minimum demand which might be acceptable to the UN majority. Louw, however, has privately rejected this on the grounds that any concession at all would be the first step toward the undermining of white South Africa.

Private South African suggestions of partition, with the UN administering the backward north and the republic retaining the areas of white concentration, bear too close a resemblance to Verwoerd's "Bantustan" program in South Africa to be acceptable to the Afro-Asians. Thus a bitter debate, possibly involving a sanctions resolution in the Security Council, appears inevitable.

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